

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-cr-346 (ADM/TNL)

Plaintiff,

ORDER

v.

Anthony Benjamin Batton-Harris,

Defendant.

This matter is before the Court on Defendant Anthony Benjamin Batton-Harris's Motion for Appointment of Second Competency Examiner 18 U.S.C. §§ 4241(a) & 4247(b), ECF No. 45. Defendant also filed a Motion for Exclusion of Time from Speedy Trial Calculation, ECF No. 46.

On June 20, 2024, the Court convened for a hearing for purposes of determining Defendant's competency pursuant to 18 U.S.C. § 4241(e). *See* ECF Nos. 42 and 44. At the hearing, defense counsel informed the Court of her intent to file a request for an independent competency evaluation of Defendant pursuant to 18 U.S.C. § 4247(b). The Government did not oppose this request at the hearing.

Based on Defendant's recent conversations with his counsel and the alleged disparity in his condition since his last competency evaluation at the Metropolitan Correctional Center in Chicago, Illinois and return to Sherburne County Jail in Minnesota, Defendant requests an independent competency evaluation pursuant to 18 U.S.C. § 4247 (b). *See* ECF No. 45 at 1-2. Although time is excluded under the Speedy Trial Act per 18

U.S.C. § 3161(h)(1)(A), Defendant also moves to exclude the period of time from June 20, 2024 until September 30, 2024 from computation under the Speedy Trial Act. *See* ECF No. 46.

Accordingly, based upon all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Appointment of Second Competency Examiner 18 U.S.C. §§ 4241(a) & 4247(b), ECF No. 45, is **GRANTED**.
2. Defendant's Motion for Exclusion of Time from Speedy Trial Calculation, ECF No. 46., is **GRANTED**.
3. Dr. Gerald Henkel-Johnson shall conduct an independent competency evaluation of Defendant.
4. The parties shall meet and confer and submit a joint status letter to the Court on or before September 5, 2024. *See* ECF No. 44.
5. The Court will hold a hearing once the independent competency evaluation is complete to determine the competency of Defendant pursuant to 18 U.S.C. § 4241(e).
6. The time period from the date of the original order for a competency evaluation, *see* ECF No. 18, through the final decision on Defendant's competency is excludable time under 18 U.S.C. § 3161(h)(1)(A).

Date: June 26, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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